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09/589,313	06/07/2000	Donald Spector	F.11134	8934
7590	09/15/2005		EXAMINER	
Collard & Roe PC 1077 Northern Boulevard Roslyn, NY 11576			ALVAREZ, RAQUEL	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/589,313
Filing Date: June 07, 2000
Appellant(s): SPECTOR, DONALD

Allison C. Collard
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/22/2005.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(8) ClaimsAppealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,336,099	Barnett	01-2002
5,249,044	Von Kohorn	09-1993

(10) *Grounds of Rejection*

Claims 1-12 are rejected under 35 U.S.C. 103(a). This rejection is set forth in a prior Office Action, mailed on

Claims 1-12 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Barnett et al. (6,336,099 hereinafter) in view of Von Kohorn (5,249,044 hereinafter Von Kohorn). This rejection is set forth in a prior Office Action, mailed on 1/10/2005.

With respect to claim 1, Barnett teaches a system for generating discount or promotional coupons (see Abstract). A receiver located at a viewer's premises (i.e. the user uses personal computer 6 to communicate his coupons request and selections to Online provider 2)(figure 1 and col. 7, lines 1-5),

With respect to the newly added feature of a personal video recorder (PVR) that allows a viewer to select a coupon for a product while it is advertised via a commercial that is displayed by the receiver, and said PVR transmitting the request for said coupon to a data processing device, which transmits, reviews and stores the request to a broadcaster central station (i.e. the coupons viewed and selected by the user is recorded and transmitted to the coupon distributor)(see Figure 1 and col. 6, lines 66 to col. 7, lines 1-5).

means included within said broadcaster central station for transmitting to a manufacturer coupon generator station a coupon request, which request includes a specific information regarding the product of interest (i.e. the Online service provider 2

transmits the specific coupon request and user's data to the coupon distributor

16)(Figure 1),

first means included within said manufacturer's coupon generator station for receiving specific information regarding said product of interest, said manufacturer's coupon generator station also having available point-of-sale information regarding said product (i.e. the coupon distributor receives the specific coupon selection and information from the various retail stores as to which coupons are being redeemed)(Figure 1 and col. 5, lines 28-34),

second means included within said manufacturer's coupon generation station for analyzing said specific information regarding said product of interest, and said point-of-sale information and issuing a coupon to said viewer based on said analyzed information(i.e. the information related to the coupons selected is supplied to the coupon distributor 16, and the information obtained from various retailers stores as to which coupons are redeemed in order to more intelligent market subsequent coupons and target coupon issuance in a more cost effective manner)(col. 5, lines 28-34).

With respect to the feature of receiving up to the minute point-of-sale information on the product of interest and coupon responses and redemptions. Barnett teaches the retailer sending (10) sending point-of-sale information on the product purchased and coupon redemption information for the products purchased to the coupon distributor (Figure 1 and col. 5, lines 28-34). Barnett is silent as to how frequent the point of sale information and redemption information is sent. In Barnett the point of sale information on the products of interest and coupon responses and redemption is sent electronically

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through a computer network (see Figure 1) and since it is old and well known in computer networks to transmit information and receive information instantly and frequently such as up to the minute then it would have been obvious to a person of ordinary skill in the art to have included receiving information on the product of interest and coupon responses and redemptions up to the minute because such a modification would allow to analyze the information received in real time.

Barnett doesn't specifically teach the receiver being a television receiver consisting of a remote control for coupon selection. On the other hand, Von Kohorn teaches a coupon dispensing system wherein the user television receiver 12 and remote control 14 operated by viewer 13 to generate and dispense tokens or coupons 2 (see figure 1). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have modified the system of Barnett with the teachings of Von Kohorn of the receiver being a television receiver consisting of a remote control for coupon selection because such a modification would increase the usage of the system of Barnett by implementing it in a common device such as a television and a control remote which is already owned by most households.

With respect to claim 2, Barnett further teaches wherein said request for a coupon includes information specifying a time when said coupon is requested (i.e. demographic data file 42 contains data representative of the time that the user requested the coupon package 40).

Claim 3 further recites that the manufacturer's coupon generator station includes means for comparing the time when the coupon was requested with the time when the

product of interest was broadcast. Since, Barnett teaches the coupon distributor (manufacturer) receives selection data for when the coupons are selected and the times when the coupon was viewed (broadcast)(Abstract) then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included making a comparison between the time when the coupons are requested from when the time when the coupons are broadcasted because such a modification would allow the manufacturer to better target the incentives or coupons to each user based on the user habits.

With respect to claim 4, Barnett further teaches issuing said coupon at a value intended to provide maximum sales of said product of interest (i.e. the manufacture issues the coupon of interest at the redemption amount 74).

With respect to claim 5, the combination of Barnett and Von Kohorn do not specifically teach a value which varies depending on the geographic location of the user. Nevertheless, a customer located in Alaska would have a greater need for a winter coat and therefore the coupon distributor may want to vary the value of the coupon accordingly. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included coupon value which varies depending on the geographic location of the viewer because such a modification would provide a more target system based on the customers needs.

With respect to claim 6, Barnett further teaches that said coupon is short life coupon (i.e. certain coupons have to be used/redeemed within one month from the day printed)(col. 11, lines 66-, col. 12, lines 1-8).

With respect to claim 7, Barnett further teaches that the coupon, upon issuance, is printed for said viewer by a printer attached to said data processing means (Figure 1, item 8).

With respect to claim 8, Barnett further teaches that the coupon, upon issuance is electronically stored by said data processing means (i.e. the coupons are stored in the output buffer 28)(col. 11, lines 30-34)

With respect to claim 9, Barnett further teaches that the electronically stored coupon can subsequently be printed or redeemed electronically by said viewer (i.e. the coupon are redeemed electronically by sending the coupon data in the output buffer via the communications interface 20 back to the Online service provider 2)(col. 11, lines 32-38).

With respect to claim 10, Barnett doesn't specifically teach hat the coupon includes inquiries which may be electronically or manually answered by said viewer as part of a contest. On the other hand, Von Kohorn teaches that a token (coupon) is generated which contains a serial number and customer's information such as the customer's name and that information is used to enter the customers in a contest where they can win additional prizes (col. 8, lines 19-41). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included in the system of Barnett the teachings of Von Kohorn of the coupon including inquiries which may be electronically answered by said viewer as part of a contest because such a modification would motivate the customers to supply the requested information.

With respect to claim 11, Barnett further teaches assembling and transmitting consumer profile information along with said information regarding the product of interest (i.e. the demographic file 42 along with the user's product selections is assembled and transmitted to the Online service)(see figure 9).

With respect to claim 12, Barnett further teaches wherein said coupon is a promotional coupon (see Figure 5).

Response to Arguments

Applicant argues that the references do not teach a video recorder (PVR) to communicate a coupon request to a broadcaster central station. The Examiner respectfully disagrees with Applicant because in Barnett, the user's coupon request is recorded and transmitted to the Online service provider (Figure 1).

Applicant argues that in Barnett the coupons are presented through an active coupon searching and that the present invention the user is watching television, an activity unrelated to coupon searching. The Examiner respectfully disagree with Applicant because in both Barnett and the present invention, the user is actively browsing through advertised products and making selections of products of interests.

Applicant argues that Barnett does not teach that a user can watch a broadcast entertainment program and simultaneously order coupons for products that are advertised. The Examiner respectfully disagrees with Applicant because in Barnett the user is logon to an entertainment appliance such as a PC and the user receives broadcasted (public) information or advertisement and the user can select coupons for

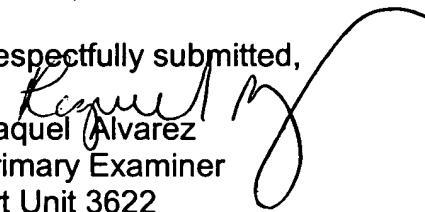
products that are advertised (col. 9, lines 59-67).

Applicant argues that neither reference takes advantage of existing television equipment. The Examiner disagrees with Applicant because Von Kohorn's invention discloses a coupon dispensing system through a television equipment (See Figure 1).

The Examiner wants to point out that Barnett is performing the same steps of the PVR as claimed which allows a viewer to select a coupon for a product while it is advertised via a commercial that is displayed by the receiver, and said PVR transmitting the request for said coupon to a data processing device, which transmits, reviews and stores the request to a broadcaster central station (i.e. the coupons viewed and selected by the user is recorded and transmitted to the coupon distributor)(see Figure 1 and col. 6, lines 66 to col. 7, lines 1-5). The steps performed by Barnett communicate coupon requests to a broadcaster central station.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the PVR being a set-top box) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Even if assuming that the set top-box was claimed, Von Kohorn teaches a set top box equipped which receives the transmitted signal and decodes it (see Figure 1).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Raquel Alvarez
Primary Examiner
Art Unit 3622

R.A.
August 30, 2005

Conferees
Eric Stamber 

Yehdega Retta, 

Collard & Roe PC
1077 Northern Boulevard
Roslyn, NY 11576